

# Court of Appeals, State of Michigan

## ORDER

People v David Jerome Kennedy

Docket No. 252104

LC No. 02-002185-FH

Michael R. Smolenski  
Presiding Judge

Joel P. Hoekstra

Jane E. Markey  
Judges

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The Court orders that the motions for immediate consideration are GRANTED.

The Court further orders that the motion for order to show cause Court Reporters Amy Shankleton-Novess, (CER #0838), Sandra Traskos, (CER #7118), and Kathleen Jager, (CER #6774), is DENIED for counsel's failure to establish material errors in and uncured omissions from the transcript that are capable of causing demonstrable prejudice to the defendant.

The Court finds that the principal asserted omission from the transcript was cured with the April 26, 2005, filing of the July 16, 2003, transcript of Pamela Smith's questioning by the trial court. While declining to express an opinion on the issue whether this transcript should be considered part of the record on appeal in this case, the Court further orders that the time for filing appellant's brief under MCR 7.212(A)(1)(a)(iii) starts to run from the April 26, 2005, filing of the transcript. Until that transcript was filed, counsel was prevented from determining whether the complete record of proceedings in this case had been produced.

The Court further orders that the motion for leave to file reply to answer is DENIED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 19 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk